

NOMINATION

HEARING
BEFORE THE
COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE
NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

MADELEINE C. WILL, OF MARYLAND, TO BE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPART-
MENT OF EDUCATION

JUNE 15, 1983



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NOMINATION

WEDNESDAY, JUNE 15, 1983

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 9:05 a.m., in room 430, Dirksen Senate Office Building, Senator Orrin G. Hatch (chairman of the committee) presiding.

Present: Senators Hatch, Stafford, Quayle, Denton, Grassley, and Riegle.

Staff present: Dr. Howard A. Matthews and Christine E. Lord, professional staff members.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. It is a distinct pleasure for me to welcome you here today, Mrs. Will, as the person selected by President Reagan to oversee and manage the programs of special education and rehabilitative services in the U.S. Department of Education.

I want you to personally know how delighted I am that the President really has recognized your unique talents and outstanding qualifications for this very important position of leadership in programs designed to help our Nation's handicapped children. As one who has worked very hard to serve the Nation's handicapped children and to insure equitable educational opportunity for our physically and mentally handicapped people, I want to commend you for the nomination and pledge my support for a speedy confirmation by the full Senate.

I think it is a fitting tribute to you that three of my distinguished colleagues in the Senate are here today to share this moment with you—Senators Mathias, Packwood, and Danforth. Each has expressed a desire to say a few words in support of your confirmation, and I think you will understand the need for these men to leave following their remarks because of the press of their extremely busy schedules today. I thank each of you gentlemen for appearing; we really appreciate it.

Mrs. Will, we appreciate very much your furnishing the committee with a brief but well reasoned statement. We will print your full statement in the record but at this time, if you would take a few minutes to summarize it for us or treat it as you see fit, after you complete your presentation I will have a few questions for you and then we will turn the floor over to our colleagues on the committee for whatever questions they have.

I just want to express to you that Senator Weicker really wanted to be here in the worst way, but just because of a pressing schedule couldn't be here. Before we turn to your statement, I think we will turn to Senator Mathias. Then we will go to Senator Packwood, and then to Senator Danforth.

Senator Mathias?

**STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S.
SENATOR FROM THE STATE OF MARYLAND**

Senator MATHIAS. Thank you, Mr. Chairman. I am here this morning not because Mrs. Will is my constituent but because she is a neighbor and a friend, and because in our neighborhood I have had an opportunity to observe her commitment to children. When you meet in a grocery store or when you see her driving the family station wagon around the block, and observe her involvement in civic activities, community activities, I think it is the best evidence of where her heart really is.

Her experiences with infant stimulation programs, with schools for the mentally retarded, home care services for the handicapped, mental health care, and sheltered workshops, have given her, I think, the human perspective as well as the administrative qualifications that are necessary to be Assistant Secretary of Education for Special Education and Rehabilitative Services.

With the passage of the Education of the Handicapped Act in 1975, we made a unique public commitment to handicapped children, and clearly education for the mentally and physically handicapped has come a long way since that initial legislation. However, unhappily sometimes what we hail as a landmark achievement turns out to be only a milestone on a very long and a very rough road. There have been problems, and there have been uncertainties, and there are still unfulfilled goals. There are questions that puzzle our Nation and that puzzle this administration about its educational responsibilities to handicapped children.

Henry Ward Beecher, who was one of the great civil libertarians of our Nation, and who was also a very wise human being, thought that law and institutions are constantly tending to gravitate. He said, "Like clocks, they must be occasionally cleansed and wound up and set to true time." We may not yet have the key that will wind up Public Law 94-142 and set it to true time, but I am confident that Mrs. Will can make the law work better. She is perfectly suited for this task, and I urge the Senate to support her in it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mathias.

We will now turn to Senator Packwood.

**STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM
THE STATE OF OREGON**

Senator PACKWOOD. Mr. Chairman, thank you.

I first met Madeleine at a dinner party at the Wills' home in early 1975, and at that party—she may not remember this—I talked at some length with her about the antiballistic missile system. I was most impressed with her knowledge and background

of it, and I thought to myself, "I wish I had had her as an adviser when I had to vote on that system in the late sixties."

Since that evening in 1975, my wife Georgie and I have spent many evenings at the Wills' home and they have spent evenings at ours. Together we have spent numerous evenings at the movies or the theater.

Her interests are many and varied. I have seen Georgie and Madeleine talk at length about antiques with a knowledge that would astound and, on occasion, baffle some dealers in antiques. I have talked with her on a variety of political matters unrelated to the retarded or the problems of the handicapped, and I find her breadth of knowledge would impress any voter, let alone a jaundiced journalist. I think George and Madeleine would probably number among our dozen closer friends in this town.

Her initial interest in the handicapped stems from the fact that they have a handicapped child, and most of her volunteer activities have centered around public and private endeavors to aid the handicapped. I have spent many hours with her advising her on strategies for lobbying the Maryland Legislature on the subject of aid for the handicapped, but not always more money. I went to emphasize that her answer to every problem is not more money.

I know that she approaches a problem with an open mind and a determination that is unmatched. I want to emphasize, when I say that she approaches a problem with an open mind, I don't mean to give the impression that she approaches the problem of special education and rehabilitative services with a blank mind. She starts with more knowledge and information than most people will finish with.

Therefore, when I say she approaches a problem with an open mind, her idea of the problem is not what we should do; her idea of the problem is how do we go about accomplishing what needs to be done. Her success in lobbying the Maryland Legislature has been extraordinary and is an example of what she can get done. I can assure you that her success in carrying the banner for a cause in which she deeply believes will be equally successful with this administration and with this Congress.

Madeleine Will is soft-spoken but she is not softheaded. She is polite, but that is not to be confused with pandering deference. She will fight for her views and she will not compromise her conscience.

Now, Mr. Chairman, often in closing a witness or a speaker will say, "And most importantly . . .," and go on with whatever their most important point is. I want to close on a slightly different note. The most important thing about Madeleine Will is that she is knowledgeable in the subject that she will have to administer, she is compassionate for those constituents she will have to serve without being maudlin and unquestioning about their demands. Those are the factors this committee should be considering.

I want to close with a fact that is significant, but not the most important fact: Madeleine Will is not the clone of George Will. There may be those who think she was appointed to this position because she is the wife of that famous conservative columnist. I don't understand the inner workings of this administration; they don't call me frequently, and I am not sure——

The CHAIRMAN. Well, you are not alone there, Senator Packwood. [Laughter.]

Senator PACKWOOD [continuing]. I am not sure how Madeleine's name got to the top of the pile, but I do know that it should have gotten there on the basis of Madeleine Will's merit and ability alone. Anyone who thinks that somehow they are getting a "twofer" by appointing Madeleine has another thing coming. What they are getting is an individual who is one of the most competent people I have met in this town, and that ought to be enough for this or any other administration.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Packwood, for a very innovative and unique presentation and recommendation of Mrs. Will. I appreciate your being here.

Senator Danforth?

STATEMENT OF HON. JOHN C. DANFORTH, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator DANFORTH. Mr. Chairman, thank you very much.

Let me say that in thinking about my comments this morning about Madeleine Will, I did not want to be left solely to my own devices, so I sought the help of a ghostwriter in preparing these comments. The ghost writer in question was my wife Sally. Last night when I went home, I asked Sally about Madeleine and told her that I was going to appear today before these confirmation hearings.

The question I put to Sally was as follows: I said, "What do you like about Madeleine Will?" Sally looked at me and said, "Everything." I responded, "Well, that's not much of an introduction. I mean, I can't go before Senator Hatch and his committee and say 'everything' is the answer."

I asked her to elaborate. Sally said this, and I took notes on her comments. She said about Madeleine, "She is sensitive, warm, loving, kind, smart, and she has more soul than anyone I've met in Washington. She is intense and she is calm, unusual traits to go together," said Sally Danforth. "She holds on to the middle-class values—family, home, hearth, education. She honors her father and her mother. She doesn't lie. She follows all the Commandments." Then Sally continued, "Madeleine is the answer to the question, 'Who would you pick to be on a desert island with?' She is funny, smart, well-read. She has everything you want to be on a desert island with," said Sally, "if you don't mind being on a desert island with another woman."

Now those are the comments of my ghostwriter, and I would only add this, Mr. Chairman: In this day and age when it is, I guess, compulsory on the part of all of us to disclose conflicts of interest, I appear before you to disclose a conflict of interest. That is that I cannot begin to be objective about Madeleine Will. I have no objectivity whatever. I love her. I think she is an absolutely marvelous human being.

I think the most important thing that can be done by any President is to appoint people to office who are just first-rate human beings, and that is what Madeleine is. She clearly feels very strong-

ly about this subject, special education. She feels it out of her own experience, her love for her eldest son, and her commitment to this cause over the last 10 or 11 years, her work with the government in Maryland, her commitment to it at the Federal level.

I echo what Senator Mathias and Senator Packwood said. She will fight very hard for what she believes in. She will fight within the administration and she will fight within the Congress. Therefore, I highly commend her to you, Mr. Chairman. I think that this is a splendid appointment.

The CHAIRMAN. Thank you, Senator Danforth. I feel that although you are always eloquent, your wife exceeded you here today. I appreciated her comments as much as yours.

We appreciate having you three Senators with us today. Thank you so much.

Let me just read into the record at this point the statement, or at least the first page of the statement of Senator Lowell Weicker, Jr. He has asked me to personally do this.

He starts off by saying:

We have before us today a person who has been a dynamic force in focusing this Nation's attention on the needs of a special group of American citizens—the handicapped. Madeleine Will's articulate voice on behalf of the handicapped has helped us recognize the importance of providing appropriate educational and rehabilitative services to meet their special needs and enable them to develop to their full potential.

I particularly admire and applaud her efforts to make the concept of "least restrictive environment" apply to all the life settings of disabled people. We have come a long way as a society in our understanding and commitment to handicapped individuals. A handicapped child who is born today no longer needs to face a wall of indifference, isolated and ignored by an insensitive society which has no tolerance for human diversity.

A child born today with a handicap can look forward to a future which will challenge him to develop his capabilities to the greatest extent possible. He can now begin to receive specialized services at birth, and his family need never experience the despair and isolation that was once commonplace.

While we have made great strides in the last decade, we must look to the future with a progressive vision. Madeleine Will has this sort of vision, a vision where handicapped persons benefit from the opportunities of community life; where handicapped persons are educated with their nonhandicapped peers in public schools; where handicapped persons receive job training and are employed by business and industry; and where handicapped persons live in our neighborhoods, reaping the benefits of the full quality of life enjoyed by our Nation's citizens.

We will put the rest of Senator Weicker's statement in the record. Well, let me just read it:

I have no doubt that Mrs. Will possesses both the necessary commitment and the requisite skills to effectively administer the office for which she has been nominated, and I enthusiastically endorse her nomination.

Then I will put the rest of the statement in the record, with my personal appreciation for Senator Weicker and for the difficulties that he has had in not being able to be here this morning. He felt very badly about it.

[The balance of Senator Weicker statement follows:]

PREPARED STATEMENT OF SENATOR WEICKER, JR.—Continued

I must add, however, that I do not underestimate the formidable challenge she will face in changing the minds of those in the administration who do not share her vision for the disabled. Inflexible ideology does not easily yield to substantive reasoning. But I can assure her that America's 36 million disabled citizens and their

advocates in Congress will not tolerate any retreat from the necessary Federal commitment to equality for all.

The CHAIRMAN. Senator Denton, do you have a statement at this time?

Senator DENTON. Thank you, Mr. Chairman.

Mrs. Will, let me offer my humble congratulations to you on your nomination to this very important post. I have heard a number of endorsements delivered by many Senators for nominees to appointments before this and the Judiciary and the Armed Services and Veterans Affairs Committees, and never have I heard higher or more elaborately styled praise.

I cannot say, having met you, that I would like to spend the rest of my life on a desert island with you, as Mrs. Danforth says, simply because George probably wouldn't like that very much.

I don't know you that well personally. That would be a boast, if I did, but I do know about your long involvement in programs assisting the handicapped, about your special devotion to your children, and I do have total confidence that you will do a fine job as the Assistant Secretary for Special Education and Rehabilitative Services.

With your indulgence, I would pose two questions. Is that all right, Mr. Chairman?

The CHAIRMAN. Can we wait until after her statement?

Senator DENTON. Sure.

The CHAIRMAN. Then we will open it up to questions.

Senator DENTON. That is my statement.

The CHAIRMAN. All right. Thank you, Senator Denton.

Senator Quayle, do you have a statement?

Senator QUAYLE. My statement, Mr. Chairman, is going to be very short and to the point.

Madam Secretary, it is a delight to see you there. I am glad that you are now on board. I know your commitment to special education and to rehabilitation services, and want to commend the President for what I believe is an outstanding appointment.

I say that with all sincerity and enthusiasm, but I would be a little bit remiss to not point out that you are really going into this job with somewhat of a question mark in the community outside Washington, D.C., about the commitment of this administration to special education and to rehabilitation services.

I certainly know of your commitment. I am sure that your perseverance and expertise in this area will carry over and erase that question mark, Mrs. Will, in a very short period of time. I, for one, look forward to working with you. I know your background. I think it is an excellent appointment. I think it is an excellent challenge for you, and I am sure that you will accept it in good spirits, and in due time that we will establish beyond any reasonable doubt where this administration stands and where we are going to go in the area of special education.

I know that there are a lot of minefields out there; that you will diligently walk through them, around them, without any of them exploding too much. I certainly wish you the very, very best.

Mrs. WILL. Thank you, Senator.

Senator QUAYLE. I congratulate you. Anything that I can do, or anybody else, please feel free to call.

The CHAIRMAN. Thank you, Senator Quayle.

Mrs. Will, we will turn to you at this time. I am going to keep the record open until 5 o'clock today to allow any questions that any member of this committee would care to ask you. I would appreciate it if you would get those back to us as soon as you can. We would like to expedite your confirmation process.

However, in any event we will be happy to turn the time over to you at this time.

STATEMENT OF MADELEINE C. WILL, NOMINEE TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATION SERVICES, DEPARTMENT OF EDUCATION

Mrs. WILL. Mr. Chairman and members of the committee, it is a pleasure to appear here today to seek your approval of my nomination as Assistant Secretary for Special Education and Rehabilitative Services.

I would like to express my appreciation to President Reagan for the confidence he has entrusted in me, and to thank my sponsors for their generous remarks.

The President and Secretary Bell have recognized the need for a Federal role in the education of handicapped children. I share this view. Federal programs to serve disabled children and adults have received strong bipartisan support from Congress. I hope to work on behalf of this administration with the Congress to insure that these programs receive the increased attention they require.

The Office of Special Education and Rehabilitative Services, or OSERS, was created as a single agency to bring together special education and adult rehabilitation programs in one department. Although the Office of Special Education and the Rehabilitation Services Administration are now, in fact, housed in one department, much more work needs to be done to achieve full functional integration of these two components of OSERS.

During the past decade I have worked at the local, State, and national levels for the development of a rational continuum of services for handicapped people from the beginning of life through adulthood. My experience has taught me that the service delivery systems at the State and local level cannot be integrated without a further effort to coordinate entitlement and discretionary programs for the disabled across the Federal Government. If confirmed, I would like to contribute to the coordination of these programs to maximize the impact of Federal resources.

The passage of the 1975 landmark Education for All Handicapped Children Act, Public Law 94-142, reflected the determination of Congress to assure all handicapped children in the Nation a free appropriate public education. Public Law 94-142 assists the States in providing special education programs and services to approximately 4 million handicapped children.

With the experience of more than 6 years of administration of this law, the department is in the process of reviewing the effects of the act at the State and local level. These past years have seen a shift from the initial procedural requirements to implement this legislation to a strengthened concern for the quality and comprehensiveness of special education programs.

The Rehabilitation Services Administration provides national leadership to rehabilitation and independent living programs designed to increase the earning capacity and self-sufficiency of our Nation's handicapped individuals. Since 1973 the Rehabilitation Act has placed special emphasis on serving those persons with the most severe handicaps.

The percentage of severely disabled persons rehabilitated has increased. However, emphasis on services to the most severely disabled and the effect of inflation over the past several years have reduced the number of persons rehabilitated. The prevailing rate of inflation has declined recently. We must continue to emphasize that the major thrust of the Rehabilitation Act is to serve all severely disabled persons, while exploring new ways to expand services without increasing costs.

Increased earnings of persons rehabilitated benefit society as well as the individual. There is a significant increase in the amount of income, payroll, and sales taxes paid to Federal, State, and local governments by disabled persons who have been rehabilitated. In addition, rehabilitation results in decreased dependency on public support payments and institutional care, which strengthens the economy as a whole.

The National Institute of Handicapped Research is a significant program component of OSERS. The legislative authority establishing the institute demands a comprehensive view of the problems of disabled persons from their earliest to their latest years, including such essential dimensions as self-care, mobility, communication, vocational achievement, and economic status.

I will make every effort to assist the institute in the pursuit of the various medically oriented research priorities which are currently underway. I believe that research on the medical problems of disability can be conducted and the broad legislative mandate of the institute can be successfully addressed within the OSERS context and within the department.

In summary, I would like to stress the themes of partnership and excellence in pursuit of the goal of full participation in society for handicapped people. We need partnership between the Office of Special Education and the Rehabilitation Services Administration, between government at every level and the private sector as well as the community of disabled citizens. We need this partnership to create excellence in educational programing, in rehabilitation services, in research and service delivery to promote the independence and enhance the dignity of all persons with disabilities.

I look forward to working with the members of the committee and the Congress to meet this challenge. Thank you.

The CHAIRMAN. Thank you so much, Mrs. Will, for your excellent statement. I just have a few questions for you but they are important questions, and I think we would like to have your answers on the record for these questions.

Last year the Department published proposed regulations for Public Law 94-142 which would have made several important changes in current regulations. Now I am aware that you opposed these proposed regulations, and they have been withdrawn by the Department for further consideration. Are you open for considering changes in some sections of the current regulations?

Mrs. WILL. As a parent I think I would have to say that I am always open to change. I think that as time passes, needs evolve and we have to take a fresh look at statutes and regulations.

However, I would add that I would like to take more time myself to look at the analysis of the comments that the Department has been painstakingly compiling and organizing. As perhaps you know, the Department has received over 30,000 comments on this one particular set of proposed regulations. I would like an opportunity to review those comments myself.

I would like also to go even further and to establish an outreach component within my immediate office. I feel it is very necessary for me to be placed in direct contact with parents, disability organizations, professionals, all individuals and organizations interested in special education, and to have frequent and repeated contact with them.

The CHAIRMAN. Thank you.

Recently there has been a substantial discussion concerning the overall effectiveness of the current State rehabilitation programs in providing meaningful vocational rehabilitation and support services to all categories of handicapped persons, and specifically with respect to the mentally retarded and learning disabled persons. Do you think that the current programs have been fully effective and, if not, what new approaches would you support or suggest?

Mrs. WILL. They have not always been effective, Senator. It is the case that for the severely disabled and the learning disabled, more time, and followup, and flexibility is required to provide appropriate services and a continuum of services. I feel that it is necessary for us to provide vocational training and services to these youngsters at an earlier age. Perhaps we need to go even down to the junior high level. Handicapped people need to learn how to navigate in society; they need to learn how to function independently, and this learning has to begin as soon as possible.

The CHAIRMAN. The President has, on several occasions, expressed directly his concern over the unlawful withholding of treatment for handicapped newborns. While I recognize that your Department does not have primary responsibility for the civil rights issues involved, what initiatives, if any, can and will you undertake to help eliminate what some think are unconscionable acts—really, I think, most people think are unconscionable acts.

Mrs. WILL. I fully support the administration's actions in regard to this issue of the withholding of treatment to handicapped newborns. My interest in this subject predates administration endeavors. I have been interested in this for at least a decade.

Although it is the case that the Department of Health and Human Services can and must take the lead in this area, I feel that there is a role that Special Education Programs and Rehabilitative Services can play. I think that there is a need for us to expand the information base to hospital professionals, physicians, and parents as they come to the deliberations and decisionmaking process.

Studies which have been conducted by the American Academy of Pediatrics indicate that pediatricians and general practitioners to a large degree acknowledge that they do not have sufficient information about handicapping conditions and that they do not feel

enough curricular hours are devoted to this subject. I would like for the principal components of OSERS to work jointly to fund projects that would enable the Department to provide the kind of information about services for handicapped newborns, about prospects for ongoing development, provide it to these hospitals and medical professionals.

The CHAIRMAN. Thank you.

For many secondary-school-age handicapped children, particularly severely handicapped children, the prospect of finishing school, as you know, is indeed a bleak one. Postsecondary education, employment, or productive activity are not often even possible alternatives. Within the context of the programs that you will administer, what steps do you believe should be taken to create a continuity and an integration of services which allow these severely handicapped young people to attain the greatest degree of social and economic independence and self-sufficiency?

Mrs. WILL. I think that the fragmentation of services across government—Federal, State, and local—has led to disincentives to work and to independent living. I see as perhaps the single greatest priority that I would like to address, the development of a continuum of services for young people to move them from the educational environment to the work environment.

I think that to bring this coordination about, between the principal components of my office is essential. I think that better management strategies, such as joint planning, joint funding, and joint dissemination of model programs, have to be implemented. I would like to concentrate on the development of additional resources for the secondary-age school population, and I would like to concentrate also on the development of a new cadre of professionals who would provide the followup necessary for young people to move from school to work.

The CHAIRMAN. Despite the major progress made by State and local education agencies in implementing Public Law 94-142, substantial numbers of handicapped students continue to be placed in separate, isolated day schools and residential facilities. In your view, does a serious compliance problem exist in this area, and if so, what will be your approach to this series of problems?

Mrs. WILL. When the Department determines that there exists a serious noncompliance problem, of course it is charged with enforcing regulatory and statutory requirements. This is a particularly complex question. Let me tell you some of the things that we know from our data, and our data is not conclusive but it is pointing in the direction of problems in this area.

We know that 93 percent of all handicapped children are educated in the least restrictive setting or in less restrictive settings. For the remaining 7 percent who generally happen to be severely handicapped, multiple physically handicapped, there may be a concentration of these youngsters in more restrictive settings.

However, we know that there are youngsters moving from hospital settings and from institutional settings which are restrictive into separate school facilities. What needs to be done is to ask more questions from the States and to work with them to develop proper corrective actions.

The CHAIRMAN. Thank you. I really appreciate your candor and your forthrightness.

Let's turn to Senator Denton, who had some questions.

Senator DENTON. Thank you, Mr. Chairman.

Mrs. Will, I have great respect for your knowledge of and attitude toward the handicapped. I am going to ask you a few questions, mostly for my own benefit because this committee and my subcommittee are involved in a number of very difficult, controversial issues right now.

We recently debated the issue of withholding treatment from handicapped infants. My subcommittee is in the very difficult position of having to write up a report on the Child Abuse Prevention and Treatment and Adoption Reform Act. As is often the case, many groups—each on opposite sides—mutually disagree with one another about how we should regard certain corrections to the program, each assessing that intended improvements would actually be helpful or unhelpful.

Therefore, knowing that one of your priorities will be to educate both parents and health care professionals about the mental and physical abilities of handicapped youngsters, what specific initiatives do you have in mind by which this goal could be accomplished—that is, parents and health care professionals being educated regarding the mental and physical capabilities of handicapped youngsters as it relates to the controversial issue of withholding treatment from handicapped infants?

Mrs. WILL. My office has already begun to think in terms of planning in this regard. Special education programs has consulted with the Maternal and Child Health Office in HHS, and there are already plans underway to fund a joint conference which would address some of these problems.

In addition, we are trying to identify health care professionals and physicians who are knowledgeable about handicapped children, who may in fact have handicapped children themselves, and who would be willing to participate in programs that would expand the knowledge base of health care professionals.

There are also, I might add, programs funded now that allow for special educational professionals to work with physicians and parents in neonatal units, and the focus there is on chronically ill and high-risk infants.

Senator DENTON. Thank you.

There has also been a fair amount of debate over what the Federal Government can and should do through existing programs to assist parents in providing for the needs of their handicapped infants. Would this work you are referring to generally cover that question also?

Mrs. WILL. Yes; I would add, also, that early intervention programs are central to the development of the handicapped child's full potential. The efficacy data about early intervention and early childhood programs is very impressive. Handicapped children do better. They spend fewer years in special education. They repeat fewer years. They end up in work activity or in competitive employment. Therefore, I think that there has to be a combination of effort.

Senator DENTON. Thank you.

Last question, Mr. Chairman and Mrs. Will: This may not be something with which you are familiar but there is an ongoing review in social security of persons receiving benefits by virtue of mental disabilities. The requirement for the review was set forth during the last administration, and the review is ongoing now. There are many who think that the review is being handled too clumsily and that many who should not be excluded from benefits are.

There is a bill, S. 1144, originated by Senator Heinz, on which I just went aboard as a cosponsor, which would hold up further reviews until the procedures are examined more carefully and perhaps changes made. Are you at all familiar with that, and could you subscribe to the need or the lack of need for holding up and taking a look at it?

Mrs. WILL. I am not familiar with the exact nature or the provisions of the bill you mentioned, but I am familiar generally with the problem of the disability reviews. My own experience at the State and local level would indicate that there have been, in fact, some hasty decisions made about individual recipients.

Senator DENTON. Some hasty decisions have been made at the State and local level?

Mrs. WILL. Yes.

Senator DENTON. According to your own observations?

Mrs. WILL. Yes, and I believe that Secretary Heckler has in fact confirmed this herself in statements recently. I would support a more careful evaluation of our procedures for examining eligibility.

Senator DENTON. Thank you, Mrs. Will.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Denton.

Senator Grassley, did you have any comments?

Senator GRASSLEY. No; I don't have any comments, but I think I ought to at least take the opportunity to congratulate you on your recognition in this area. I know that you will do a good job. It is a tremendous opportunity for leadership and one, particularly, where we have an opportunity to show a national agenda but at the same time make fruitful use of the opportunities at the State and local level for molding specific programs to meet local needs.

The CHAIRMAN. Thank you, Senator Grassley.

Senator Riegle, I'm sorry I didn't recognize you.

Senator RIEGLE. Thank you, Mr. Chairman.

I just want to say we have had the occasion to talk privately, and I welcomed that chance. I think your capacity to serve here is really unquestioned, and I am convinced of your dedication to want to tackle this assignment and do it the way it should be done.

At the same time, I want to just say again what I have said to you previously, and that is that I think the greatest task you may face is within the administration, not outside it. I don't see a serious commitment by the administration in terms of resources and dollars being aimed in this direction, and I think there are limits to any person's ability to perform—however able and motivated—if they really don't have the wherewithall to carry forward on a strong basis nationally.

Therefore, my hope that goes with you is that perhaps you will be able to bring to bear within administration circles a greater sen-

sitivity, a greater understanding. I don't think it means anything for people to say that they care about a problem if they are not willing to do something about it in tangible terms. That is the bottom line, and this administration, I think, by and large in most of the human service areas has fallen miserably short, despite a lot of pronouncements about caring and concern and so forth.

I am convinced you do care and that you do understand and you want to do this job. Therefore, I wish you the best. I hope that you can move the people in OMB and in the White House and others who seem to be unwilling to make any serious commitment of resources, which in the end is the only thing that is going to make a material difference.

The CHAIRMAN. Mrs. Will, would you care to comment about any of these comments at this point?

Mrs. WILL. I would just say that I intend to be a consistent and persistent advocate for programs for the handicapped. I do not represent the handicapped community. I do not even represent parents of the handicapped, but I think I have a capacity for sympathy and an ability to understand the direction we have to move in, and I want to make my views known to the administration.

[The biographical sketch along with additional questions and responses of Mrs. Will follow:]

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Will Madeleine Claudette
(LAST) (FIRST) (OTHER)

Position to which nominated: Assistant Secretary, OSER Date of nomination: June 15, 1983

Date of birth: 9 8 45 Place of birth: Hartford, Connecticut
(DAY) (MONTH) (YEAR)

Marital status: married Full name of spouse: George Frederick Will

Name and ages of children: Jonathan F. Will - 11
Geoffrey M. Will - 9
Victoria L. Will - 2

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	Hartford College for Women	1963-1965	A.A.	June 1965
	Smith College	1965-1967	B.A.	June 1967
	University of Toronto	1968-1969	M.A.	June 1969

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Scholarship (Hartford and Smith Colleges)

Graduated cum laude

Phi Beta Kappa

Ruth Cheney Goodwin History Prize

Rudolph Haffner Award (Academic achievement and community service)

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
<u>Metro Area Council of Association for Retarded Citizens</u>	<u>Member</u>	<u>1977-1979</u>
<u>Hartford College for Women</u>	<u>Member, Board of Trustees</u>	<u>1977-1982</u>
<u>Montgomery County Association for Retarded Citizens</u>	<u>Member, Board of Directors</u>	<u>1979</u>
<u>Maryland Association for Retarded Citizens</u>	<u>Governmental Affairs Chairman</u>	<u>1981</u>
<u>Real Rights</u>	<u>Founding Member</u>	<u>1981</u>
<u>National Association for Retarded Citizens</u>	<u>Gov't Affairs Committee Member</u>	<u>1981-1982</u>

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Editorial Assistant, American Enterprise Institute, Washington, D.C.

1970-1971 - Research for legislative analysis. Preparing and editing reports on such topics as the Safeguard antiballistic missile system, oil import quotas, foreign policy concerning Southeast Asia and the Middle East.

Freelance editing, 1979

GFW, Inc., Secretary/Treasurer, 1977-

**Government
experience:**

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

None

**Published
writings:**

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None

**Political
affiliations
and activities:**

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

Senator Howard Denis

Delegate Lorraine Sheehan

Delegate Connie Morrella

**Future employment
relationships:**

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Yes

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

**Potential conflicts
of interest:**

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will pronounce in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

Volunteer lobbying

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

Will cease this activity



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 20 1983

The Honorable Lowell P. Weicker, Jr.
Chairman
Subcommittee on Handicapped
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Senator Weicker:

I want to thank you for the courtesy and time which you extended to me during my visit to your office and also that which the Committee extended to me yesterday at the hearing on my nomination as Assistant Secretary of Education for Special Education and Rehabilitative Services.

I am enclosing my responses to your five questions for the hearing record. I look forward to working with you and your subcommittee staff on these very important programs which we both oversee.

Sincerely,

A handwritten signature in cursive script that reads "Madeleine C. Will".

Madeleine C. Will
Acting Assistant Secretary
for Special Education and
Rehabilitative Services

Enclosures

SENATOR WEICKER, QUESTION 1

Question: What plans do you have for improving the coordination between special education programs and rehabilitation services?

Answer: I intend to improve the coordination between special education programs and rehabilitative services in several ways. Specific plans are being developed for programmatic initiatives which will involve both special education and rehabilitative services. In addition, administrative and managerial processes will also be improved. These efforts include:

- o Joint efforts to improve vocational preparation, employability, and community integration of handicapped individuals. The coordination and integration of services to handicapped individuals throughout the life-span is one of the most critical areas facing human resources service providers. When OSERS was established as part of the Department of Education, one of the principle functional rationales for its structural arrangement was to coordinate services to children and adults. In addition, with increasing numbers of children passing into adolescence and adulthood under the protections of P.L. 94-142, there is an increasing demand for coordinated and enhanced services for handicapped youth and adults.
- o Joint programming, research, and efficacy studies relative to critically ill disabled newborns. Our initial exploration of the issue of deciding to withhold life-sustaining treatment indicates that parents and physicians need more information about handicapping conditions. In addition, there is an insufficient understanding of the efficacy of early intervention with severely handicapped infants. I believe that through joint efforts, SEP, RSA and NIHR can address these issues.
- o Administrative and managerial cooperation. There are numerous administrative and managerial functions that are similar, if not identical, among SEP, NIHR, and RSA. Common procedures, where appropriate, would lead to greater efficiency and program effectiveness.

SENATOR WEICKER, QUESTION 3

Question: What suggestions do you have for the improvement of interagency cooperation among Federal agencies for issues concerning the handicapped?

Answer: The President has established a Working Group for analysis and evaluation of various programs affecting handicapped individuals. I am a member of this Working Group. At this time, we have not made our recommendations to the President, but I want to emphasize the Administration's commitment to assuring that each agency which administers programs for handicapped individuals contributes to a coordinated continuum of services for these individuals. The Working Group will make specific recommendations on the means for improving interagency coordination among the Federal agencies affecting handicapped individuals. I will be taking specific actions to improve interagency cooperation in regard to the OSERS programs which I administer.

SENATOR WEICKER, QUESTION 4

Question: What are your priorities for the Office of Special Education and Rehabilitative Services?

Answer: My highest priority is to assure a continuum of services, primarily community based services, for handicapped individuals. This focus will include educating service professionals about progress made in ameliorating effects of disabilities.

This continuum of services will also encompass more effective coordination of services as children grow from school age to work age. I will also assure that our use of discretionary and research funds contribute to the improvement and coordination of these services. Tomorrow's picture of OSERS programs will be one of coordination, improved effectiveness and efficient use of resources.

SENATOR WEICKER, ADDITIONAL QUESTION

Question: What do you plan to do to improve and expand services at the secondary and postsecondary levels for handicapped youth? What do you propose to do to assist the transition of handicapped youth from secondary education to postsecondary education, work and adult services?

Answer: One of the highest priorities within the office of Special Education and Rehabilitative Services is to develop a continuum of services that improves the transition of disabled youth from special education programs to postsecondary education and employment opportunities. In order to accomplish this, OSERS has established an initiative that will involve RSA, Special Education programs, and the National Institute of Handicapped Research in joint planning and programming.

With respect to Special Education programs, a number of activities will focus on improving career development and employment training opportunities for handicapped students in preparation for their transition from school to work. Approximately \$8 million have been allocated to these efforts in FY 1983.

Research and demonstration efforts will focus on improving the educational process to make students more productive members of their communities. Particular attention will be given to the more severely handicapped who traditionally have not been perceived as participating members of their communities.

The regional postsecondary program serving handicapped persons will be expanded to include all handicapping conditions in addition to deafness. The aim is to direct more attention to the needs of those handicapped students who enter postsecondary educational institutions. We plan to continue support for the dissemination of information to high school counselors and administrators as well as to parents and handicapped youth regarding postsecondary educational opportunities for those who plan to pursue further education and training after high school.

Additional Question
Page 2

Further, initiatives will be undertaken to strengthen the relationship between the Special Education Programs and the Rehabilitation Services Administration to improve coordination of services and facilities for more orderly transitions of students from school to work. Coordination with Vocational Education programs and Department of Labor employment training services and various private sector initiatives are also expected to expand the opportunities presently available to handicapped individuals.

The National Institute of Handicapped Research is administering a contract to identify exemplary models of vocational rehabilitation-special education cooperation in the school-to-work transition of severely handicapped individuals. Model training materials based upon exemplary approaches will be made available to local and State education and vocational rehabilitation agencies to help overcome existing weaknesses in program coordination.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 20 1983

The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

I want to thank you for the courtesy and time which you extended to me during my visit with you in the Capitol and that which the Committee extended to me yesterday at the hearing on my nomination to be Assistant Secretary of Education for Special Education and Rehabilitative Services.

I am enclosing my responses to your three questions for the hearing record.

Sincerely,

Madeleine C. Will
Acting Assistant Secretary
for Special Education and
Rehabilitative Services

Enclosures

SENATOR KENNEDY, QUESTION 1

Question: Section 504, the Civil Rights Provision of the Rehabilitation Act and Part B, the major State grant portion of the Education for All Handicapped Children Act, are to be reauthorized next year. In view of the Administration's past proposals of major reductions in special education and vocational rehabilitation funding together with comprehensive changes in the law, what recommendations would you make for these reauthorizations? Are any changes in these laws being considered?

Answer: The Rehabilitation Act of 1973, as amended, expires September 30, 1983. The House Education and Labor Committee and the Senate Labor and Human Resources Committee have reported reauthorization bills which propose no amendments to Section 504. The Administration's reauthorization bill, which incorporates some program modifications, does not amend Section 504.

I support a strong and effective rehabilitation program which emphasizes services to severely disabled persons, as does current law. If confirmed, I expect to work with Congress to assure continuation of the public rehabilitation program, now over 60 years old. I would support changes in any part of the P.L. 94-142 regulations only after careful review of the analysis of the approximately 30,000 comments which the Department has received.

SENATOR KENNEDY, QUESTION 2

Question: As part of the Administration's overall deregulatory plan, modifications in regulations were proposed last year for the enforcement of Section 504, the disabled civil rights provision of the Rehabilitation Act and P.L. 94-142, the Education of All Handicapped Children Act. Although these rule changes were withdrawn, these proposals strongly suggest a movement toward a substantial weakening of the Civil Rights protections for all disabled Americans. Do you support a strong interpretation of these civil rights safeguards?

Answer: Yes, I support a strong interpretation of the civil rights safeguards which you cite.

During the review process of the P.L. 94-142 regulations, the Secretary sought extensive participation from the public in the form of public hearings. The comments revealed the perception that the proposed changes would weaken the protections afforded under the current regulations. This was not the intent of the Department. In response to the public's concern, the Secretary withdrew the six most controversial proposed changes. Special Education Programs is in the process of an exhaustive analysis of the approximately 30,000 comments received by the Department. I would support changes in any part of the regulations only after careful review of that analysis.

Enforcement of Section 504 comes under the jurisdiction of the Office for Civil Rights rather than the Office of Special Education and Rehabilitative Services.

SENATOR KENNEDY, QUESTION 3

Question: In your role as Assistant Secretary of Special Education and Rehabilitation Services, what do you see as priority goals and objectives in these areas for the coming year?

Answer: My highest priority is to assure a continuum of services, primarily community based services, for handicapped individuals. This focus will include educating service professionals about progress made in ameliorating effects of disabilities.

This continuum of services will also encompass more effective coordination of services as children grow from school age to work age. I will also assure that our use of discretionary and research funds contribute to the improvement and coordination of these services. Tomorrow's picture of OSERS programs will be one of coordination, improved effectiveness and efficient use of resources.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 20 1983

The Honorable Jennings Randolph
United States Senate
Washington, D.C. 20510

Dear Senator Randolph:

I want to thank you for the courtesy and time which you extended to me during my visit with you in the Capitol and at the hearing yesterday on my nomination as Assistant Secretary of Education for Special Education and Rehabilitative Services.

I am enclosing my responses to your two questions for the hearing record.

Sincerely,

Madeleine C. Will

Madeleine C. Will
Acting Assistant Secretary
for Special Education and
Rehabilitative Services

Enclosures

SENATOR RANDOLPH, QUESTION 1

Question: How do you view the relationship of the discretionary programs of the Education of the Handicapped Act to the State grant program, Part B, of the Act?

Answer: The State grant program authorized by Part B of the Education of the Handicapped Act is the primary means of ensuring that school aged and preschool children receive appropriate direct educational services. The mandates contained in this part of the Act influence directly the basic daily services provided to all handicapped children. The discretionary programs are a logical extension of Federal efforts to ensure appropriate services to such children by supporting applied research, demonstration, training, and related activities that provide the information and resources to enhance and improve educational opportunities for all handicapped children. The knowledge and skills acquired and disseminated through the discretionary programs should improve the quality and effectiveness of State and local programs supported by the State grant program. The innovative, cost-effective program models and service approaches developed and refined through discretionary program funds are intended to be replicated at the State or local level so that better use can be made of State and local resources and the Part B State grant funds. Thus, the discretionary grant programs serve a catalytic, supportive role in the development of comprehensive programs for the education of handicapped children.

SENATOR RANDOLPH, QUESTION 2

Question: In your statement, you indicated that more work needs to be done to achieve full integration of the two components of OSERS. Could you describe the activities and initiatives you think will be necessary to achieve this full functional integration?

Answer: In order to achieve full functional integration of OSERS, I intend to develop joint programmatic initiatives across OSERS units in addition to improving managerial and administrative procedures. Specifically, plans are being developed for joint involvement by SEP, RSA, and NIHR in (1) conducting programming, research and efficacy studies relative to critically ill new-born infants; (2) vocational preparation, employability, and community integration of handicapped individuals, and (3) administrative and managerial cooperation in the following areas:

- o Grant and contract review procedures
- o Identification and allocation of field readers
- o Management information system
- o A comprehensive planning function
- o Development of performance agreements
- o Use of electronic communications
- o Development of program priorities

The CHAIRMAN. Thank you, Mrs. Will. This has been an excellent confirmation hearing.

I want to compliment each of the Senators who came. I thought their comments were warm, thoughtful, loving—in a very real sense of that term—and very respectful of you. I think you are to be commended for having such friends in the U.S. Senate.

We are grateful to have you in this position, and we will look forward to pushing your nomination through to completion as quickly as we can. We will leave the record open until 5 o'clock today for any written questions from any of our members on this committee, but then we will push forward with as much expedition as we can.

I would like to see you for just one second across the hall, if I can, and I would appreciate that.

The committee will recess at this time.

[Whereupon, at 9:55 a.m., the committee recessed, to reconvene immediately thereafter in open executive session for the consideration of several bills.]

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